

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHIBUEZE C. ANAEME,

Plaintiff(s),

v.

NATIONAL ASSOCIATION OF
BOARDS OF PHARMACY, et al.,

Defendant(s).

2:12-cv-01160-JCM-VCF

2:12-cv-01276-JCM-VCF

2:12-cv-01279-JCM-VCF

ORDER

Presently before the court are Magistrate Judge Ferenbach's reports and recommendations in cases 2:12-cv-01160-JCM-VCF, 2:12-cv-01276-JCM-VCF, and 2:12-cv-01279-JCM-VCF. The magistrate judge recommends that plaintiff Chibueze C. Anaeme's complaints (# 1-1) be dismissed; that plaintiff be deemed a vexatious litigant pursuant to 28 U.S.C. § 1651(a); and that the court enter an order stating that if plaintiff intends to file any papers with the court, he must first seek leave of the chief judge of this court in accordance with the procedure outlined in the reports. (Doc. # 5 in case no. 2:12-cv-01160-JCM-VCF; doc. # 6 in case no. 2:12-cv-01276-JCM-VCF; and doc. # 5 in case no. 2:12-cv-01279-JCM-VCF). No objections to the reports and recommendations have been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo

1 determination of those portions of the [report and recommendation] to which objection is made.”
2 28 U.S.C. § 636(b)(1).

3 Where a party fails to object, however, the court is not required to conduct “any review at all
4 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
5 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
6 judge’s report and recommendation where no objections have been filed. *See United States v.*
7 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the
8 district court when reviewing a report and recommendation to which no objections were made); *see*
9 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
10 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any
11 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
12 recommendation, then this court may accept the recommendation without review. *See e.g.*,
13 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation
14 to which no objection was filed).

15 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
16 whether to adopt the recommendations of the magistrate judge. Upon reviewing the
17 recommendations, the underlying complaints, and taking notice of plaintiff’s history of filing
18 numerous actions in this district and others, the court finds good cause to adopt the magistrate’s
19 findings in full.

20 Accordingly,

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
22 Ferenbach’s reports and recommendations (doc. # 5 in case no. 2:12-cv-01160-JCM-VCF; doc. #
23 6 in case no. 2:12-cv-01276-JCM-VCF; and doc. # 5 in case no. 2:12-cv-01279-JCM-VCF) be, and
24 the same hereby are, ADOPTED in their entirety.

25 IT IS THEREFORE ORDERED that the clerk of the court shall file the complaints. (Doc.
26 # 1-1).

27 . . .

1 IT IS FURTHER ORDERED that plaintiff Chibueze C. Anaeme's complaints be, and the
 2 same hereby are, DISMISSED. The complaints in the following cases are dismissed pursuant to 28
 3 U.S.C. § 1915(e)(2)(B) and Fed. R. Civ. P. 9(b): 2:12-cv-01160-JCM-VCF; 2:12-cv-01276-JCM-
 4 VCF; and 2:12-cv-01279-JCM-VCF.

5 IT IS FURTHER ORDERED that plaintiff Chibueze C. Anaeme be deemed a vexatious
 6 litigant pursuant to 28 U.S.C. § 1651(a).

7 IT IS FURTHER ORDERED that if plaintiff Chibueze C. Anaeme intends to file any papers
 8 with the court, he must first seek leave of the chief judge of this court in accordance with the
 9 procedure outlined in Magistrate Judge Ferenbach's reports (*see* doc. # 5 in case no. 2:12-cv-01160-
 10 JCM-VCF; doc. # 6 in case no. 2:12-cv-01276-JCM-VCF; and doc. # 5 in case no. 2:12-cv-01279-
 11 JCM-VCF).¹

12 DATED December 7, 2012.

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 14 
 15 **UNITED STATES DISTRICT JUDGE**

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 21 ¹ The procedure is also provided here: If a litigant is deemed vexatious, he/she will be enjoined from filing any
 22 further action or papers in this district without first obtaining leave of the chief judge of this court. In order to file any
 23 papers, the vexatious litigant must first file an application for leave. The application must be supported by a declaration
 24 of plaintiff stating: (1) that the matters asserted in the new complaint or papers have never been raised and disposed of
 25 on the merits by *any court*; (2) that the claim or claims are not frivolous or made in bad faith; and (3) that he has
 26 conducted a reasonable investigation of the facts and investigation supports his claim or claims. A copy of the order
 27 deeming the litigant vexatious must be attached to any application. Failure to fully comply will be sufficient grounds for
 28 denial of the application. *De Long v. Hennessey*, 912 F.2d 1144, 1146-47 (9th Cir. 1990).